IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

Ravinder Kumar Jain Vs. State of Rajasthan & Ors.

S.B.CIVIL WRIT PETITION NO.106/2007

DATE OF ORDER :: February 27, 2007

PRESENT

HON'BLE MR.JUSTICE H.R.PANWAR

Mr.Mukesh Rajpurohit, for the petitioner.

BY THE COURT:

By the instant writ petition under Article 226 of the Constitution of India the petitioner seeks a direction to regularize his services at par with the case of other similarly situated persons viz. Dara Singh, Indraj Singh Godara, Shiv Narain Pal and Karnesh Mathur etc.

I have heard learned counsel for the parties.

The facts giving rise to the instant writ petition are that the petitioner was appointed vide Annexure-1 dt. 7.7.1993 and in

pursuance thereof, the petitioner joined the duty on the same day. The services of the petitioner were extended vide Annexure-2. Thereafter the respondent State Government Local Self Department took a decision to regularize the services of the petitioner and the similarly situated persons by screening them vide Annexure-3, the petitioner was subjected to screening. He continued as a Junior Engineer on a vacant post on the basis of resolution of the respondent Municipal Board. The matter was referred to the Director, Local Bodies, Jaipur vide Annexure-4 dt.28.12.1994. The petitioner was granted regular pay scale vide Annexure-5 dt. 4.5.1995 in the pay scale 1400-2600 by the respondent Municipal Board, Gajsinghpur, Distt. Sri Ganganagar. The services of the similarly situated persons viz. Junior Engineer (Civil), who were appointed on ad hoc basis in the year 1993 were also regularized by the respondents. The petitioner has placed on record the result of screening committee vide Annexure-8 dt. 25.10.2002. It appears that one Dara Singh filed a writ petition before Jaipur Bench of this Court and some directions were issued therein for holding the screening and in compliance of direction of this Court dt. 3.11.1999, the screening committee declared the result, whereby the petitioner was declared unsuccessful. The order of screening committee was challenged by Dara Singh before Jaipur Bench of this Court by way of S.B.Civil Writ Petition No.8316/2002 (Dara Singh vs.

State of Rajasthan & Ors.), which came to be allowed vide order dt. 11.6.2004 reported in RLW 2005(1) Raj. 32, whereby the order of screening committee was set aside and the writ petition filed by the petitioner Dara Singh therein was allowed. The case of the petitioner is almost on identical facts and as such the petitioner being similarly situated person deserves similar treatment.

This Court in Mahesh Kumar Rajpurohit vs. State of Rajasthan, S.B.Civil Writ Petition No.6245/2005 relying on a decision of this Court in Dara Singh vs. State of Rajasthan & Ors. (supra) allowed the writ petition in terms of decision of this Court Dara Singh vs. State of Rajasthan & Ors. (supra).

Similarly in case of Karnesh Mathur vs. State of Rajasthan & Ors., while allowing the writ petition, this Court set aside the order dt. 25.10.2002 to the extent it relates to the petitioner and directed to give similar treatment to the petitioner therein and certain other persons were extended regularization viz. Rameshwar Lal Sharma, Ramesh Chand Sharma and Babulal Kanoda by regularizing their services on the post of Junior Engineer.

In Shiv Narain Pal vs. State of Rajasthan & Ors., S.B.Civil

Writ Petition No.1299/2003 decided on 18.5.1006, while setting aside the order dt. 25.10.2002, the respondents were directed to give similar treatment to the petitioner as has been given to Dara Singh. That order came to be challenged by the Municipal Board before a Division Bench of this Court being D.B.Civil Special Appeals No.6310/2006 (DR.J.) and 71/2007 (DR.J.). Both the appeals came to be dismissed vide order dt. 4.1.2007 holding therein that the respondents therein stands at par with those of Dara Singh and others referred in the order. In the circumstances, therefore, in my view, the petitioner also deserves similar treatment.

In the result, the writ petition is allowed. Order impugned Annexure-8 so far it relates to the the petitioner is quashed and set aside. The respondents shall give similar treatment to the petitioner as has been given to Dara Singh, Shiv Narain Pal, Karnesh Mathur, Mahesh Kumar Prajapat and the persons referred in the decision of Dara Singh' case and regularize the services of the petitioner on the post of Junior Engineer in accordance with law within a period of three months.

There shall be no order as costs.

[H.R.PANWAR],J.

m.asif/-